

From: [Blonn, Jennifer](#)
To: (b)(6)(b)(6)(b)(6)
Cc: [Rowan, Anne](#); [Singer, Joshua](#); [Sedlacek, Michael](#); [Swenson, Peter](#); [Westlake, Kenneth](#); [McKim, Krista](#); [Burdick, Melanie](#); [Blathras, Constantine](#)
Subject: Back Forty Mine - Public Concern Response
Date: Wednesday, November 09, 2016 11:03:39 AM
Attachments: [EPA comments on MDEQ draft air permit for Back Forty Mine 10-26-16.pdf](#)
[MI0059945 Aquila Back 40 EPA comment letter on draft NPDES permit 110216.pdf](#)
[Aquila Back Forty 8-15-16 EPA 404 Comments.pdf](#)

Dear Ms. Hubbard:

Thank you for your email regarding the proposed Aquila Resources, Inc. Back Forty open pit zinc, copper, and gold mine, northwest of Stephenson in Menominee County, Michigan.

In your email, you request that EPA prepare an environmental impact study. Environmental Impact Statements are prepared under the National Environmental Policy Act (NEPA) by lead federal agencies to inform federal decision making. There are no federal decisions to be made on the Back Forty Mine project. Therefore, NEPA is not triggered. All permitting decisions required for this mine project rest with the State of Michigan.

The Michigan Department of Environmental Quality (MDEQ) has primary responsibility for regulating the Back 40 mine as the permitting authority. This includes implementing federal requirements under Section 402 of the Clean Water Act (CWA) (regulating wastewater discharges into waters of the United States), Section 404 of the CWA (regulating discharges of fill into waters of the U.S.), and the Clean Air Act (CAA) (regulating air emissions). MDEQ also operates a separate Permit to Mine program under state authority.

EPA maintains an oversight role for the MDEQ permits that implement federal requirements under the CWA and the CAA. EPA reviewed and commented on MDEQ's draft permit under CWA Section 402, and the draft air pollution construction permit issued pursuant to Michigan's Part 2 minor source construction permitting program. MDEQ solicited public comment on both of those draft permits through November 3, 2016. EPA's comment letters are enclosed. EPA will take your comments into consideration as it continues to review MDEQ's proposed actions after MDEQ reviews and responds to comments.

EPA objected to the issuance of a Michigan wetlands and inland lakes and streams permit (CWA Section 404) on August 15, 2016, because Aquila had not demonstrated compliance with the CWA Section 404. EPA also noted concerns regarding cultural resources and requested that MDEQ confirm its coordination with Michigan's State Historical Preservation Officer and Tribal archeologists. A copy of EPA's August 15, 2016 letter is also attached. On September 23, 2016, Aquila withdrew its CWA Section 404 application with the intention of reapplying to MDEQ, in which case there would likely be another public comment period and hearing for the wetlands and inland lakes and streams permit at a later date. EPA would restart its Section 404 oversight review of the project based on the new application.

Thank you for sharing your input on this project. If you have further questions about NEPA, please contact Ken Westlake, Chief, NEPA Implementation Section, at 312-886-2910 and

westlake.kenneth@epa.gov. Surface water permitting questions can be directed to Krista McKim, 312-312-353-8270 and mckim.krista@epa.gov. Wetlands permitting questions can be directed to Melanie Burdick at 312-886-2255 and burdick.melanie@epa.gov. Air permitting questions can be directed to Constantine Blathras at 312-886-0671 and blathras.constantine@epa.gov.

Sincerely,
Jen Blonn

Jen Blonn
NEPA Implementation Section (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
312-886-6394
blonn.jennifer@epa.gov

Begin forwarded message:

From: "(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)"
Date: November 1, 2016 at 2:30:09 PM CDT
To: "singer.joshua@epa.gov" <singer.joshua@epa.gov>
Subject: Media Relations Message from Contact EPA Region 5 web page

I am a life-long resident of Menominee County. Aquila Resources a *fledgling* Canadian exploration company is planning on mining "The Back Forty Project" within 150' of the Menominee River. This river borders Michigan and Wisconsin, flowing into Lake Michigan.

The community, which 98% are opposed to this mine, have grounded concerns. The permits are vague in their wording. We want to be sure that a catastrophic event does not occur should there be flooding. With rising water levels, this concern is not unfounded. We also worry about the air-borne pollutants.

We do realize that this process goes through the DEQ, but there are concerns. We feel that an independent Environmental Impact Study performed by the U.S. Environmental Protection Agency and the U.S. Department of the Interior concerning the environmental, social and economic impact occur. The population (14,000) of Menominee, MI and Marinette, WI rely on this source for their drinking water. Our communities rely on the revenue that hunting, fishing and tourism bring in.

Please look into this matter on behalf of the Michigan and Wisconsin residents that this will impact. The Marinette County Board has passed a resolution in opposition to this mine. I know that Wisconsin Senators Hansen, Erpenbach, Carpenter, Risser and Ringhand have sent a signed

letter of concern to the DEQ. I would hope that you will also work with your colleagues to make sure this is appropriate for Michigan's long-term health and prosperity.

Thank you for your time and consideration.

Respectfully,

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